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Written statement* submitted by the Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Right to Non-Discrimination in Western Sahara

Everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, age, language, religion, political or other opinion, sexual orientation, gender identity, national or social origin, property, birth or other status which has the purpose of preventing the enjoyment, in equal conditions, of all rights, freedoms and guarantees recognized in human rights international treaties: Universal Declaration of Human Rights (Article 7) and International Covenant on Civil and Political Rights (Article 26).

Western Sahara conflict shows how the Saharawi people in **the Non-Self-Governing Territory are the main victims of discrimination**, for example in relation with "*development*" projects carried on without their free, prior and informed consent.

In the case of oil exploratory drillings authorized by Morocco in Western Sahara waters, the principle of "*permanent sovereignty over natural resources*" it's being violated, understood as the right of peoples to manage and use natural resources in their territories and dispose of them in the interest of development and common welfare, established by the General Assembly in its Resolution 1803 (XVII), of 13 December 1962, and later confirmed by the International Covenants on Civil and Political Rights and in the Economic, Social and Cultural Rights one -both ratified by the Kingdom of Morocco- as well as the subsequent Resolutions of the General Assembly, especially its Resolutions 3201 of 1 May 1974, entitled "*Declaration on the Establishment of a New International Economic Order*", and Resolution 3281 (XXIX), of 12 December 1974, which contained the Charter of Economic Rights and Duties of States.

In November 2001 the President of the Security Council requested the Under Secretary General for Legal Affairs, Hans Corell, on behalf of the members of the Council a report about "*the legality in the context of International Law, including relevant resolutions of the Security Council and the General Assembly of the United Nations, and agreements concerning Western Sahara of actions allegedly taken by Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara*".

On the basis of these documents, Hans Corell stated that **"...if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories**".

The increase in inequality and political, economic and social exclusion of Saharawi people undermine their dignity and rights, and are a cause of concern that can lead to riots and conflicts with the non-indigenous population moved from Morocco.

In the Non-Self-Governing Territory of Western Sahara is urgent, **as an early warning measure**, to strength international human rights mechanisms, promote equality, fight against discrimination and combat impunity.

It is a known fact, that in the root cause of conflicts we can frequently find a profound violation of economic, civil, cultural, political and social rights. Once again, we call on the Council to intensify the system-wide efforts to **combat discrimination and promote human rights of Saharawi population in the Non-Self-Governing Territory of Western Sahara**, as a human rights imperative and an important aspect of conflicts prevention.

In conclusion, we are aware that protection of human rights, pursuit of justice for the victims and the fight against impunity, must go beyond the underlying legal and political problem. In **Western Sahara**, as it happens in so many parts of our world, there can be no peace or a viable political agreement without paying attention to human rights and reparation for the victims.